

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JAMES E DONALD

Claimant

APPEAL NO. 22A-UI-01151-B2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

KRAFT HEINZ FOODS COMPANY (LLC)

Employer

OC: 11/07/21

Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated December 7, 2021, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on February 3, 2022. Claimant participated. Employer participated by Dale Larsen.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on June 26, 2021. After that date, employer had a plant shutdown from July 2-13, 2021. After the shutdown was over, claimant called off work on July 19 stating he had car trouble. On July 20, 2021 claimant called off work again, this time surrounding his mother's illness. He asked for FMLA paperwork.

Claimant never returned the requested FMLA paperwork. Claimant was a no call/no show for work on July 21 and 22, 2021. Employer emailed claimant after his absences asking for claimant to be in contact with employer. There was no contact from claimant for 25 days from the email. The next time employer heard from claimant was on August 17, 2021 when claimant stated that he had moved to Texas. He asked to be paid for any accumulated PTO at that time.

Claimant stated that he was caring for his sick mother, who moved to Texas to be closer to other relatives. .

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

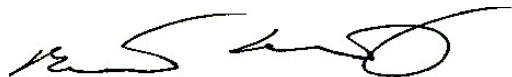
1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because he moved to Texas to care for his sick mother.

Ordinarily "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code Section 96.2. *O'Brien v. EAB* 494 N.W.2d 660, 662 (Iowa 1993) (citing *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the test of good faith." *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). "Common sense and prudence must be exercised in evaluating all of the circumstances that led to an employee's quit in order to attribute the cause for the termination." *Id.* In this matter, claimant had good cause to leave his employment – to care for his sick mother. Iowa law requires that the good cause reason for a quit must be attributable to employer for a claimant to receive benefits. In this matter, claimant's good cause reason was not attributable to employer. Benefits are denied.

DECISION:

The decision of the representative dated December 7, 2021, reference 02, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.



Blair A. Bennett
Administrative Law Judge

February 22, 2022
Decision Dated and Mailed

bab/kmj